

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Environmental Services Department  
**AGENDA DATE:** CCA Introduction 1/19/10; Public Hearing 1/26/10  
**CONTACT PERSON/PHONE:** Ellen Smyth, 621-6719  
**DISTRICT(S) AFFECTED:** Citywide

**SUBJECT: ORDINANCE**

AN ORDINANCE AMENDING TITLE 5 (BUSINESS, TAXES, LICENSES AND REGULATIONS), CHAPTER 5.32 (PUBLIC SWIMMING POOL LICENSES), CLARIFYING THE APPLICATION PROCESSING AND LICENSE ISSUANCE PROVISIONS IN 5.32.060 AND 5.32.070; MOVING THE CORRECTION AND RE-INSPECTION, SUSPENSION, REVOCATION AND APPEALS PROCESSES TO CHAPTER 9.48; ADDING A WATER SAMPLING FEE TO SECTION 5.32.140 (FEES); THE PENALTY AS IS PROVIDED IN SECTION 5.32.160 OF THE EL PASO CITY CODE.

**BACKGROUND / DISCUSSION:**

The Environmental Services Department is requesting an ordinance be revised to update administrative language, update the language pertaining to the existing fee structure, and clarification of the application process relating to licenses for public swimming pools and spas. These functions were previously part of the El Paso City-County Health & Environmental District. During the past year, we have reviewed the ordinances and procedures for this function and propose the following recommendations.

**PRIOR COUNCIL ACTION:** N/A

**AMOUNT AND SOURCE OF FUNDING:** N/A

**BOARD / COMMISSION ACTION:** N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** \_\_\_\_\_

(Example: if RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:** \_\_\_\_\_

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 5 (BUSINESS, TAXES, LICENSES AND REGULATIONS), CHAPTER 5.32 (PUBLIC SWIMMING POOL LICENSES), CLARIFYING THE APPLICATION PROCESSING AND LICENSE ISSUANCE PROVISIONS IN 5.32.060 AND 5.32.070; MOVING THE CORRECTION AND RE-INSPECTION, SUSPENSION, REVOCATION AND APPEALS PROCESSES TO CHAPTER 9.48; ADDING A WATER SAMPLING FEE TO SECTION 5.32.140 (FEES); THE PENALTY AS IS PROVIDED IN SECTION 5.32.160 OF THE EL PASO CITY CODE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

**Section 1.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.32 (Public Swimming Pool Licenses) Section 5.32.020 (Definitions), Subsection C. be deleted and the remaining subsections be re-numbered accordingly, amending subsection S. and adding subsection T. as follows:

**5.32.020 Definitions.**

S. "Temporary public swimming pool or public spa" means a temporary above ground public swimming pool or public spa intended for public use operated under a temporary license for an event for a limited number of days.

T. "Water sample" means a portion of water taken from a pool or spa to determine the quality.

**Section 2.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.32 (Public Swimming Pool Licenses), Section 5.32.050 (License application), Subsection E. be amended and Subsection F. be added as follows:

**5.32.050 License application.**

E. The number of public swimming pools and/or public spas on the facility.

F. Copy of certificate of occupancy if new facility.

**Section 3.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.32 (Public Swimming Pool Licenses), Section 5.32.060 (Application processing), Subsection C. be amended as follows:

**5.32.060 Application processing.**

C. The director of the department of environmental services shall promptly notify the director of the development services department or his designee when a facility is found to be in compliance with the requirements of Chapter 9.48 and of this chapter. For facilities in violation of the codes, the director of the department of environmental services shall issue a correction notice to the operator, in accordance with Chapter 9.48. The owner or operator receiving a correction notice shall promptly remedy the violation and ask for a re-inspection by the director of the department of environmental services. Until the violation(s) have been satisfactorily corrected and passed by the director of the department of environmental services, a license shall not be issued and the facility shall not be used.

**Section 4.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.32 (Public Swimming Pool Licenses), Section 5.32.070 (License issuance), Subsections A. and F. be amended as follows:

**5.32.070 License issuance.**

A. Subject to the approval of the Director of the Department of Environmental Services and upon receipt of the required fees identified in the adopted budget resolution for the current fiscal year or other appropriately adopted resolution by the City Council, the Director of Development Services Department shall issue the license, unless one of the following applies:

1. One of more of the statements made in the application are not true;
2. The applicant has failed to submit a complete application; or

3. The requirements of the applicable city code provision in this title relating to permit requirements or issuance are not met.

F. A person may appeal a denial of a license to the city manager as provided in Chapter 9.48.

**Section 5.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.32 (Public Swimming Pool Licenses), Section 5.32.090 (Temporary licenses), Subsection A. be amended as follows and Subsection F. be added as follows:

**5.32.090 Temporary licenses.**

A. The director of the department of environmental services and the director of the development services department or his designee shall be authorized to issue temporary licenses for the operation of a temporary public swimming pool or public spa.

F. Temporary license applications shall be processed in the same manner as original applications as described in this chapter.

**Section 6.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.32 (Public Swimming Pool Licenses), Section 5.32.100 (Correction and re-inspection), be replaced with the following:

**5.32.100 Correction and re-inspection.**

Correction and re-inspection issues shall be treated pursuant to 9.48 of the City Code.

**Section 7.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.32 (Public Swimming Pool Licenses) Section 5.32.110 (Suspension of license), be replaced with the following:

**5.32.110 Suspension of license.**

Suspensions shall be treated in accordance with Chapter 9.48 of the City Code.

**Section 8.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.32 (Public Swimming Pool Licenses) Section 5.32.120 (Revocation of license), be replaced with the following:

**5.32.120 Revocation of license.**

Revocation of licenses shall be treated in accordance with Chapter 9.48 of the City Code.

**Section 9.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.32 (Public Swimming Pool Licenses) Section 5.32.130 (Appeals), be amended as follows:

**5.32.130 Appeals.**

Appeals shall be handled in accordance with Chapter 9.48 with the City Code.

**Section 10.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.32 (Public Swimming Pool Licenses) Section 5.32.140 (Fees) be amended as follows:

**5.32.140 Fees.**

The owner or operator shall pay such fees identified in the adopted budget resolution for the current fiscal year or other appropriately adopted resolution by the City Council to the Department of the Development Services Department for the services and licenses provided in accordance with this chapter. Said fees shall include but not be limited to a water sampling fee.

**Section 11.** Except as expressly herein amended, Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.32 (Public Swimming Pool Licenses) of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

THE CITY OF EL PASO:

ATTEST:

\_\_\_\_\_  
John F. Cook, Mayor

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Josette Flores  
Assistant City Attorney

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Ellen A. Smyth, P.E., Director  
Environmental Services Department